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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,699	08/31/2001	Jonathan Blackwell	0655/62869	2132
7590	03/08/2004		EXAMINER	
Richard F. Jaworski Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 03/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/944,699	BLACKWELL ET AL.
	Examiner Saleh Najjar	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other: ____ .

1. This action is responsive to the amendment filed on December 11, 2003. Claims 1, 15, 17, and 19 were amended. Claims 1-20 are pending. Claims 1-20 represent a method, program product and apparatus directed toward sending, receiving and managing messaging data.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4-15, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz, U.S. Patent No. 6,445,694.

Swartz teaches the invention as claimed including a Internet controlled telephone system (see abstract).

As to claim 1, Swartz teaches a method of sending, receiving and managing messaging data through a shell interface to a computer operating system of a computer, the shell interface containing logical and virtual references to components on the computer (APIs), comprising:

installing a messaging component into the shell interface (see figs. 1-11; col. 3-4, Swartz teaches that telephony services are controlled through an operating system using dynamic link libraries DLL and application program interface (API));

displaying at least one messaging entry through the shell interface, the displayed

messaging entry identifying received faxes, voice mails and/or pager messages (see fig. 2; col. 4-7, Swartz discloses accessing telephony services through a browser or an operating system interface); and

invoking an appropriate communication service for accessing a selected one of the received faxes, voice mails and pager messages, wherein the selected message is selected through the shell interface (see figs. 2-11; col. 7-13).

As to claim 4, Swartz teaches the method of claim 1 further comprising displaying a second messaging entry through the shell interface, wherein the second messaging entry provides contact data (see figs. 2, 5; col. 5-6, Swartz discloses an entry labeled phone book which contains contact addresses).

As to claim 5, Swartz teaches the method of claim 1, wherein the messaging component installs a messaging shell namespace (see fig. 1-11; col. 5-8).

As to claim 6, Swartz teaches the method of claim 1, wherein the messaging component adds a compose message user interface accessible through the shell interface (see col. 5-8).

As to claim 7, Swartz teaches the method of claim 1, wherein the messaging component adds a status monitor user interface accessible through the shell interface (see figs. 2-11; col. 5-10).

As to claim 8, Swartz teaches the method of claim 1, wherein the messaging component adds a messaging properties user interface accessible through the shell interface for managing mailboxes (see figs. 2-11; col. 5-10).

As to claim 9, Swartz teaches the method of claim 8, wherein the user interface provides means for viewing and changing settings for the mailboxes (see figs. 7-11; col. 5-10).

As to claim 10, Swartz teaches the method of claim 1, wherein the communication service includes a voice message viewer (see fig. 10).

As to claim 11, Swartz teaches the method of claim 1, wherein the communication service includes a pager message viewer (see fig. 11).

As to claim 12, Swartz teaches the method of claim 1, wherein the communication service includes a fax message viewer (see figs. 6-7; col. 11-12).

As to claim 13, Swartz teaches the method of claim 1, wherein the messaging component is maintained in a dynamic link library (see col. 5).

As to claim 14, Swartz teaches the method of claim 1, wherein the displayed messaging entry shows that a received fax, voicemail and pager message is an attachment to an e-mail message (see figs. 8-9; col. 11-12).

Claims 15, 17, and 19 do not teach or define any new limitations above claims 1, 4-14, and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz, U.S. Patent No. 6,445,694 further in view of Smith et al., U.S. Patent No. 6,463,462.

Swartz teaches the invention substantially as claimed including a Internet controlled telephone system (see abstract).

As to claims 2-3, Swartz teaches the method of claim 1 further comprising displaying a second messaging entry through the shell interface, wherein the second messaging entry identifies faxes, voice mails and/or pager messages (see fig. 2; col. 6-7).

Swartz does not explicitly teach the limitation of identifying "sent" or "outgoing" messages.

However, Smith teaches an automated unified messaging system presented in a unified application to a user (see abstract). Smith teaches a second entry identifying sent, or outgoing fax, voice mail, or pager messages (see fig. 18; col. 11-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Swartz by providing entries identifying sent or outgoing messages as taught by Smith. One would be motivated to do so to provide the user with a more complete report on the user's messaging system.

Claims 16, 18 and 20 do not teach or define any new limitation above claims 2-3 and therefore are rejected for similar reasons.

6. Applicant's arguments filed December 11, 2003 have been fully considered but they are not persuasive. In the remarks, the applicant argues in substance that Swartz relates to a web interface while the present invention relates to sending and receiving and managing messaging data through a shell interface to a computer operating system of a computer.

In response, Swartz discloses that if desired, special purpose client application programs may be used to communicate with the host services computer without using a general purpose browser, particularly, the Swartz Internet controlled telephone system can be advantageously be implemented by routines such as DLLs which make telephone subscriber functions available through an open application programming interface (APP) integrated into the windows operating system (see col. 3, line55- col. 4, line 45).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.



Saleh Najjar
Primary Examiner / Art Unit 2157